

**PRELIMINARY ACTION AGENDA
LAKE FOREST CITY COUNCIL**

Regular Meeting of the City Council
August 19, 2008

Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630

<p>PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.</p>

CALL TO ORDER: 6:03 p.m.

ROLL CALL: Council Members:	Richard T. Dixon Kathryn McCullough Marcia Rudolph
Mayor Pro Tem:	Peter Herzog
Mayor:	Mark Tetterer
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Sherry A.F. Wentz

RECESS: City Council recessed at 6:03 p.m. for the purpose of conducting Closed Session business.

CLOSED SESSION: (F: 16.3) 6:03 p.m.

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8. (Two (2) Properties)

City Negotiators:	City Manager and City Attorney
Property Negotiators:	Property Owners on Record
Under Negotiation:	Price and Terms of Payment

A. Property: 18 acre portion of Tentative Tract 15944 consisting of Lots 14, 15, 16, 21, and 22 along

with the westerly 118'± of Lot 20 and the westerly portion of Lot 17 described by a line extending from the common front corner between Lots 16 & 17 "M" Street to a point on the northeasterly line of Lot 20, 118'± from the north center, Lake Forest, CA

B. Property: 20 acres located on APN 104-143-25 and 104-143-27, located at Rocky Road, west of Portola Parkway, south of Foothill Transportation Corridor, Lake Forest, CA

3. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9: One (1) Case.

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:10 p.m. from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:15 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

7:15 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Mayor Tetteimer led the pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney Smith stated there were no reportable actions from Closed Session.

PRESENTATIONS: (F: 55.1)

1. REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk.
 - A. PROCLAMATION DECLARING THE MONTH OF SEPTEMBER 2008, AS "RECOVERY MONTH" (X: 55.2)

ACTION: On motion by Council Member Dixon and second by Council Member McCullough, the City Council approved request as submitted.
MOTION UNANIMOUSLY CARRIED.

RECESS: City Council recessed at 7:16 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:18 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Gary Ringer, Cynthia Emani, Dr. James Gardner, and Vincent Burke.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 2)

2. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,838,488.68. (F: 30.11)

Council Member Rudolph pulled the following warrants for purposes of clarification: California Association Code Enforcement, CBM Consulting, Inc., Cox Communications, Devin Slaven, and Queen Beach Printers.

ACTION: On motion by Council Member Dixon and second by Council Member Rudolph, the City Council approved the remainder of the warrant

register as submitted. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSTAINING ON WARRANTS PAYABLE TO SUNSET PROPERTY SERVICES.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrants payable to California Association Code Enforcement, CBM Consulting, Inc., Cox Communications, Devin Slaven, and Queen Beach Printers. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 3-10) (Items No. 6, 7, and 9 were pulled from the Consent Calendar for further consideration.)

3. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council waived the reading of Ordinances and Resolutions. MOTION UNANIMOUSLY CARRIED.

4. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JULY 1, 2008, submitted by City Clerk.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council approved the Minutes of the regular City Council Meeting held on July 1, 2008, as submitted. MOTION UNANIMOUSLY CARRIED.

5. ADOPTION OF ORDINANCE NO. 198 submitted by City Clerk. (F: 26.1)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Conducted second reading of Ordinance No. 198 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 2.04.050 OF THE LAKE FOREST MUNICIPAL CODE AND ADJUSTING COMPENSATION FOR THE CITY COUNCIL MEMBERS. 2. Adopted Ordinance No. 198 as submitted. MOTION UNANIMOUSLY CARRIED.

6. REVIEW OF THE INVESTMENT POLICY submitted by Director of Finance/City Treasurer. (F: 30.10)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council approved the revised Investment Policy. MOTION UNANIMOUSLY CARRIED.

7. BUDGETED POSITIONS FOR FY 2008-09 AND COMPENSATION PLAN submitted by Director of Management Services. (F: 48.4)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council continued Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A REVISED CLASSIFICATION PLAN AND SALARY SCHEDULE to a future City Council meeting.

8. QUITCLAIM OF EMERGENCY VEHICLE ACCESS EASEMENT AT 21041 OSTERMAN ROAD submitted by Director of Public Works/City Engineer. (F: 52.2A16)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Approved the quitclaim of emergency vehicle access easement to NP Bellecour, Inc., a Delaware Corporation. 2. Authorized the Mayor to execute, and the City Clerk to record the quitclaim. MOTION UNANIMOUSLY CARRIED.

9. **CONTRACT AWARD FOR THE UNIVERSALLY ACCESSIBLE PLAYGROUND PROJECT (PW 2007.23)** submitted by Director of Public Works/City Engineer. (F: 34.3B PW 2007.23)

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Waived the minor bid irregularity of an unattached bid bond, and award a contract in the amount of \$326,293.22 to Micon Construction, Inc., of Placentia, California, for construction of the Universally Accessible Playground Project (PW 2007.23). 2. Adopted Resolution No. 2008-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2007-2009. 3. Upon receipt of the executed contract documents from Micon Construction, Inc., reject all other bids received and authorize return of the Bid Bonds. 4. Authorized the Mayor to sign, and City Clerk to attest the contract with Micon Construction, Inc. 5. Authorized the City Manager to approve contract change orders up to a maximum ten percent (10%) of the contract amount. **MOTION UNANIMOUSLY CARRIED.**

10. **NOTICE OF COMPLETION FOR SLURRY SEAL IMPROVEMENTS ON VARIOUS CITY STREETS (PW 2007.17B)** submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2007.17B)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Rudolph, the City Council: 1. Found that Bond Blacktop of Union City, California, has completed the construction of the Slurry Seal Improvements on Various City Streets Project (PW 2007.17B). 2. Approved the Notice of Completion and authorized the Mayor to execute the document on behalf of the City. 3. Authorized the City Clerk to submit said Notice of Completion for recordation to the Office of the County Recorder of Orange County, within ten days of the City Council approval, as required by Section 3093 of the California Civil Code. 4. Authorized the ten percent retention payment in the amount of \$35,289.20 to the contractor 35 days after the recording date of the Notice of Completion, providing no Stop Notices are on file with the City preventing the release of the final payment. **MOTION UNANIMOUSLY CARRIED.**

DISCUSSION/ACTION ITEMS:

11. **ADOPTION OF ORDINANCE NO. 196** submitted by City Clerk. (F: 50.11B3)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Conducted second reading of Ordinance No. 196 entitled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND IRVINE RANCH WATER DISTRICT FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.** 2. Adopted Ordinance No. 196 as submitted. **MOTION CARRIED WITH MAYOR PRO TEM HERZOG OPPOSED AND MAYOR TETTEMER ABSTAINING.**

12. **ADOPTION OF ORDINANCE NO. 197** submitted by City Clerk. (F: 50.11B7)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council: 1. Conducted second reading of Ordinance No. 197 entitled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND THE ELMER H. WHISLER 1994 TRUST FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET. SEQ.** 2. Adopted Ordinance No. 197 as submitted. **MOTION CARRIED WITH MAYOR PRO TEM HERZOG OPPOSING.**

13. **LEGISLATIVE AND REGULATORY MATTERS** submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council received and filed the report with minute

action to adopt positions on various legislative proposals as recommended.
MOTION UNANIMOUSLY CARRIED.

14. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS,
COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE
OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.4B)

ACTION: The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek offered no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon presented no comments.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented no comments.

Mayor Tetteimer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:48 p.m.